

KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
REGULAR MEETING MINUTES
March 12, 2021

A regular meeting of the Kentucky Board Chiropractic Examiners was held at the Department of Public Licensing located at 500 Mero Street, Frankfort, KY 40601 and via Zoom on March 12, 2021.

MEMBERS PRESENT

Dr. Jeffery Smith
Dr. Eric Davis
Dr. James England
Dr. Chad Henderson
Dr. Shannon Johnson

DEPARTMENT OF PROFESSIONAL LICENSING

Kevin Winstead, Acting Commissioner
Chessica Nation, Administrative Section Supervisor
Tasha Stewart, Board Administrator

GUESTS

Dr. Nick Payne, KAC
Dr. Charles Copeland, KCS

OTHERS

David Trimble, Legal Counsel

CALL TO ORDER

Dr. Smith called the meeting to order at 12:01 p.m.

MINUTES

A motion was made by Dr. Davis to approve the minutes from the January 8, 2021 board meeting. Motion seconded by Dr. Johnson, carried.

FINANCIAL STATEMENT

The Board reviewed the January and February 2021 financial statements. No action taken.

DPL UPDATE

Mr. Winstead introduced himself as DPL's acting commissioner and stated Leah Boggs will serve as general counsel. The OLS memorandum for the next fiscal year will be ready for review at the board's next meeting.

LEGAL COUNSEL

Mr. Trimble advised the board of a recent emergency license suspension. Mr. Trimble advised the board it can amend the suspension under select terms. The licensee will be able to practice hands-on-chiropractic again but cannot refer patients to any other providers in-house and vice versa. The licensee will also correct their website which inaccurately lists an MD title. Dr. England made a motion for Mr. Trimble to discuss the changes as outlined with the licensee and legal counsel. Motion seconded by Dr. Davis, carried.

Mr. Trimble reported a total of 14 regulations have been amended to date. An additional five must be submitted to LRC by June 11. Those will be ready for review at the next meeting.

OLD BUSINESS

Ms. Stewart stated nine licensees failed to respond to the board's request for SOS filing information. Dr. Johnson made a motion to send an agreed order to each licensee stating they face a \$1000 fine and must retake the jurisprudence class if the information is not received in 30 days of receipt of the order. Motion seconded by Dr. England, carried.

Ms. Stewart provided the board with an online jurisprudence class update. Ms. Stewart has completed the first course test. Feedback and additional content was sent to the IT team.

The board reviewed proposed sexual misconduct training courses offered by the Kentucky Personnel Cabinet. Dr. Smith made a motion to utilize those courses and make them available to the peer review committee, too. Motion seconded by Dr. Henderson, carried.

NEW BUSINESS

The board reviewed two pre-payment questions. Mr. Trimble will draft a response referring the licensees to KRS 312.150 and advising them to seek their own legal counsel for any further questions.

The board reviewed and denied a special continuing education and renewal request.

Dr. Johnson made a motion to nominate Dr. Henderson for the NBCE planning meeting on May 6-9, 2021. Motion seconded by Dr. England, carried.

Dr. England made a motion to send Dr. Michael Newman a thank you letter as drafted. Motion seconded by Dr. Johnson, carried.

The board reviewed a special request from a peer review committee member. Dr. England made a motion to allow 60 days for the PRC member to find and train a replacement at their state association, but they must submit a copy of their association resignation letter to the board in the meantime. Motion seconded by Dr. Johnson, carried.

Dr. Johnson made a motion to open the peer review committee application process and send correspondence to licensees advising of the opening. Motion seconded by Dr. Henderson, carried.

The board reviewed a manipulation under anesthesia (MUA) question and asked for clarification as to what kind and amount of anesthesia will be used.

Dr. Davis made a motion to allow all six peer review registry CE hours be obtained online for the 2021 renewal. Further, both state trade organizations may apply for retroactive peer review CE approval through a course that was already board approved. Motion seconded by Dr. Johnson, carried.

APPLICATIONS COMMITTEE

Dr. Johnson reported that applications review is running smoothly. A few special requests were submitted since the last meeting, but those were addressed by the committee without any issues.

Ms. Stewart reported 1109 inactive and active licensees. As of the report run time, 34 chiropractic and 12 peer review licensees have not completed their 2020 renewal. 781 licensees have completed their 2021 renewal.

STATUTES AND REGULATIONS COMMITTEE

Dr. England updated the board on the animal chiropractic discussion. At this time, the committee will consider regulation changes instead of statute changes as originally discussed. The committee will continue working on those draft regulation changes to present to the board.

COMPLAINTS COMMITTEE

19-003 - ongoing

2019KBCE00005 – ongoing
2019KBCE00012 – ongoing
2020KBCE00001 – ongoing
2020KBCE00005 – ongoing
2020KBCE00007 – ongoing
2020KBCE00008 – ongoing; send to investigator
2020KBCE00011 – ongoing
2020KBCE00013 – ongoing; send to investigator
2020KBCE00014 – ongoing
2021KBCE00001 - ongoing
Ownership Practice Inquiry – ongoing
NPDB Report – no action
Malpractice Settlement – ongoing
ABC Complaint – issue cease and desist
Crude Email – no action; collect previous unpaid balance

A motion and second was made by the complaints committee to accept the complaint recommendations as presented. Motion carried.

Dr. Henderson made a motion for the complaints committee to move forward with the malpractice settlement licensee's renewal once all complaint paperwork is received and reviewed. Motion seconded by Dr. Johnson, carried.

TRAVEL AND PER DIEM

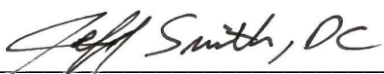
A motion was made by Dr. Johnson to approve the following per diem:

- Drs. Johnson, Davis, England, Henderson, and Smith – March 12, 2021 meeting
- Dr. Davis – February 8, 2021 (3 hours – complaints and regulations review), March 7, 2021 (3 hours – complaints and regulations review), and March 11, 2021 (3 hours – meeting preparation and complaints review).
- Dr. England – February 8, 2021 (3 hours – complaints review), March 9, 2021 (3 hours – complaints review and meeting preparation), and March 11, 2021 (3 hours – meeting preparation and complaints review).
- Dr. Henderson – February 12, 2021 (3 hours – applications review), February 19, 2021 (3 hours- applications review), February 26, 2021 (3 hours – applications review), and March 5, 2021 (3 hours – applications review).
- Dr. Johnson – February 19, 2021 (3 hours – applications review), February 26, 2021 (3 hours – applications review), and March 5, 2021 (3 hours – applications review and meeting preparation).

Motion seconded by Dr. England, carried.

ADJOURN

A motion was made by Dr. Davis to adjourn the meeting at 2:15 p.m. Motion seconded by Dr. Henderson, carried.



Dr. Jeffery Smith, Chair